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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,590	05/31/2001	Alok K. Srivastava	O17017812001	2628
23639	7590	09/06/2007		
BINGHAM MCCUTCHEN LLP Three Embarcadero Center San Francisco, CA 94111-4067			EXAMINER RAMPURIA, SATISH	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/872,590

Applicant(s)

SRIVASTAVA ET AL.

Examiner

Satish S. Rampuria

Art Unit

2191

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-37.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

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SUPERVISORY PATENT

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants indicated that for claims 33-37 were rejected, however no rejection were given. Examiner would like to direct Applicant attention to page 10 of the office action mailed on 6/25/07 where the rejection to claim 33-37 is provided.

Applicants have argued that Claim 1 includes the feature of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar." The Examiner asserts Behr et al discloses this limitation because the Utrace component writes multiple traces, and "the Utrace component writes two different trace files for Application 1 and for Application 2." It is respectfully submitted that having two different trace files having the same trace format and grammar is not equivalent to having the second trace grammar as claimed. Specifically, Behr et al. does not teach or suggest a second trace grammar as claimed. Behr discloses one trace format and is silent regarding additional formats and/or grammars. Unlike the method taught by Behr et al., the process of Claim 1 allows a user of the process to create two or more trace grammars. Because the trace grammars are created as part of the claimed process, a user of the process can create trace grammars that provide customized traces having, for example, different trace attributes and/or different trace formats as appropriate for the users needs. Consequently, by disclosing "generically formatting all trace attributes in a common manner," Behr et al. not only fail to anticipate the act of creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar", Behr et al. teach away from having a plurality of different grammars because Behr et al. teach one common format.

In response to the Applicants argument, regarding the limitation "creating a first trace grammar" and "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar". As explained previously that Behr's system disclose a dynamic tracing facility which permits the user to debug the application using Utrace.exe which writes traced information to a trace file (See summary) including multiple traces. In addition, Behr disclose method and apparatus for debug of multiple component applications for access of a legacy database management system via Internet terminal (col. 4, lines 63-67). Further Behr also disclose the limitation "creating... meta-language grammar" on col. 19 to col. 20 lines 44-67 and lines 1-3 and FIG. 17, where the Utrace component writes two different trace files for Application 1 and for Application 2. In order to permit any such access an interface is provided, which translates transaction data transferred from the user over the Internet in HTML format into a format which database management system commands may be generated (col. 5, lines 1-13). Further, if Behr transfers data over the Internet in HTML form or translating data from HTML from in a new format, which can be used in conjunction with a database management system. The act of translating data from HTML format into a new format is similar to materialize a trace in markup language syntax. Furthermore, as indicated during the interview (6/7/2006) that meta language limitation is very broad and creating meta language is equivalent to a markup language for computing environment it means "HTML and XHTML are examples of markup languages that can be used by anyone wishing to translate media including video, sound, graphics and text into a language intelligible to a computer and suitable for display on the Internet. Originally this required manually typing up an HTML document but there are software programs that will do this now. There are in addition special mark up languages for mathematical and scientific notation such as Tex and LaTeX or one of its many variants. Another common example of a metalanguage in computing is XML. Many other metalanguages have been based on the W3C XML 1.0 standard, including" the excerpt is taken from <http://en.wikipedia.org/wiki/Meta-language> (copy attached in the prior office action mailed on 2/8/06) which clearly states that XML is an example of meta language. Applicant only makes general allegations. Finally, it is noted that the features upon which applicant relies (i.e., a user of the process can create trace grammars that provide customized traces having, for example, different trace attributes and/or different trace formats as appropriate for the users needs) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the rejection is proper and maintained herein.

Applicants have argued that Claim 7 recites "[t]he process of claim 6 in which one or more tables comprises hash tables corresponding to keywords in the one or more traces." Claim 7 depends from Claim 6, which in turn depends from Claim 1. Accordingly, Claim 7 includes all the limitations of Claim 1. As discussed above, Behr et al. do not disclose each and every limitation of Claim 1. In particular, Behr et al. fail to disclose at least the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar." Even if Berry et al. disclose the limitation "the one or more tables comprises hash tables corresponding to keywords in the one or more traces," as alleged in the Final Office Action, Barry et al. fail to cure all of the deficiencies of Behr et al. In particular, like Behr et al., Barry et al. fail to disclose the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar."

In response to applicant's argument with respect to claim 7, the response to 102(e) argument is incorporated and further, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Further, It is noted that the rejection clearly points out where the combination of Behr and Berry teach the claimed features and why it would have been obvious to combine their teachings. Specifically, the rejection points out that the motivation to "the one or more tables comprises hash tables corresponding to keywords in the one or more traces" would be to separately maintains profile or trace information for multiple, simultaneous profiling sessions as suggested by Berry (col. 2, lines 48-60). Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.

Applicants have argued that Claim 16 recites "[t]he process of claim 8 further comprising: performing a search of the semantic network based upon a received query." Claim 16 depends from Claim 8, which in turn depends from Claim 1. Accordingly, Claim 16 includes all the limitations of Claim 1. As discussed above, Behr et al. do not disclose each and every limitation of Claim 1. In particular, Behr et al. fail to disclose at least the limitations of "creating a second trace grammar wherein the second trace grammar is

different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar." Even if Nashed discloses the limitation "performing a search of the semantic network based upon a received query," as alleged in the Final Office Action, Nashed fails to cure all of the deficiencies of Behr et al. because, like Behr et al., Nashed fails to disclose the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with rules of the meta-language grammar."

In response to applicant's argument with respect to claim 16, the response to 102(e) argument and claim 7 is incorporated and further in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Further, It is noted that the rejection clearly points out where the combination of Behr and Nashed teach the claimed features and why it would have been obvious to combine their teachings. Specifically, the rejection points out that the motivation to "performing a search for the semantic network base upon a received query" would be to provide high quality and highly relevant information concerning a topic of interest identified by search query as suggested by Nashed (col. 2, lines 27-38). Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.